IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 14TH NOVEMBER 2007 / 23RD KARTHIKA 1929

Crl.Rev.Pet.No. 1491 of 2002()

CRA.226/1998 of II ADDL.SESSIONS COURT, KOLLAM
CC.486/1994 of MUNSIFF MAGISTRATE, PARAVOOR
.....

REVN. PETITIONER: APPELLANT/ACCUSED:

THYAGARAJAN, S/O. RAMAYYAN,
METHALAYAM, ARUNOOTIMANGALAM, KARIRODE,
KILIKOLLOOR.

BY ADV. SRI.S.SUDHEESHKAR
SRI.P.VIJAYA BHANU

RESPONDENTS: RESPONDENT/COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 14/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRRP. NO.1491/2002

ORDER ON CRL.MP. NO.8265/2002 IN CRRP. NO.1`491/2002

DISMISSED

14.11.2007 **SD/- K.R.UDAYABHANU, JUDGE**

/TRUE COPY/

P.A. TO JUDGE

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K.R.UDAYABHANU, J

Crl.R.P.No.1491 of 2002

Dated this the 15th day of November, 2007

O R D E R

The revision petitioner stands convicted for the offences under Sections 279, 337, 338 and 304A IPC and sentenced to undergo simple imprisonment for three months for the offence under Section 279 IPC and sentenced to undergo simple imprisonment for one month for the offence under Section 337 IPC and to undergo simple imprisonment for six months for the offence under Section 338 IPC and to undergo simple imprisonment for six months for the offence under Section 304A IPC as modified by the appellate court.

2. The counsel for the revision petitioner has only sought for modification of the sentence.

3. The prosecution case is that the accused being the driver of a car bearing registration No.KL-2B/2374 drove the same through Kollam-Thiruvananthapuram National Highway at 2.00 p.m. in a rash and negligent manner so as to endanger human life and hit on the back side of a bus bearing registration No.KLX 4493, as the result of which one of the passengers of the

car died and another sustained loss of vision of one eye. It is pointed out that the incident has taken place more than 13 years back and that so far the accused was facing the criminal proceedings and further that the entire family of the revision petitioner is depending on his income for their livelihood. It is also submitted that it is the evidence of the occurrence witnesses that the car was driven in normal speed.

4. In the circumstances, the sentence imposed for the offence under Section 304 A IPC is modified to imprisonment till the rising of the court and to pay a compensation of Rs.50,000/- to PW6, the wife of the deceased and in default, to undergo simple imprisonment for eight months. No separate sentence is awarded for the rest of the offences. The revision petitioner is granted six months' time to remit the amount of compensation. He shall appear before the Munsiff Magistrate Court, Paravur on 14.5.2008 to receive sentence.

The criminal revision petition is disposed of accordingly.

K.R.UDAYABHANU,
JUDGE

csl

K.R.UDAYABHANU, J

Crl.R.P.No.682/2000

ORDER

7/11/2007